

Corrielus, Jean B.

From: Corrielus, Jean B.
Sent: Tuesday, December 02, 2008 11:42 AM
To: 'Tom Williams'
Subject: RE: 10/679,393
Importance: High

Mr. Williams,
Attached, please find sections of MPEP related to revival of application(s) and extension of time and other fees related to petition and RCE.

The following numbers may be useful if you need general information:

Customer service :1800-7869199

Application assistance unit :1-888-786-0101.

Thanks, Examiner Corrielus

12/6/2008

§ 1.137 Revival of abandoned application, terminated or limited reexamination prosecution, or lapsed patent.

- (a) *Unavoidable* . If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination prosecution terminated under §§ 1.550(d) or 1.957(b) or limited under § 1.957(c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:
- (1) The reply required to the outstanding Office action or notice, unless previously filed;
 - (2) The petition fee as set forth in § 1.17(l);
 - (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
 - (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.
- (b) *Unintentional* . If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination prosecution terminated under §§ 1.550(d) or 1.957(b) or limited under § 1.957(c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:
- (1) The reply required to the outstanding Office action or notice, unless previously filed;
 - (2) The petition fee as set forth in § 1.17(m);
 - (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
 - (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.
- (c) *Reply* . In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the

- (e) *Request for reconsideration* . Any request for reconsideration or review of a decision refusing to revive an abandoned application, a terminated or limited reexamination prosecution, or lapsed patent upon petition filed pursuant to this section, to be considered timely, must be filed within two months of the decision refusing to revive or within such time as set in the decision. Unless a decision indicates otherwise, this time period may be extended under:
- (1) The provisions of § 1.136 for an abandoned application or lapsed patent;
 - (2) The provisions of § 1.550(c) for a terminated *ex parte* reexamination prosecution, where the *ex parte* reexamination was filed under § 1.510; or
 - (3) The provisions of § 1.956 for a terminated *inter partes* reexamination prosecution or an *inter partes* reexamination limited as to further prosecution, where the *inter partes* reexamination was filed under § 1.913.
- (m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated or limited reexamination prosecution under 35 U.S.C. 41(a)(7) (§ 1.137 (b)):
- By a small entity (§ 1.27(a))..... \$770.00
- By other than a small entity..... \$1,540.00.

(n) *Continued examination*

- (e) To request continued examination pursuant to § 1.114:

By a small entity (§ 1.27(a))..... \$405.00

By other than a small entity..... \$810.00

- (a) Extension fees pursuant to § 1.136(a):
- (1) For reply within first month:
- By a small entity (§ 1.27(a))..... \$60.00
- By other than a small entity..... \$120.00
- (2) For reply within second month:
- By a small entity (§ 1.27(a))..... \$230.00
- By other than a small entity..... \$460.00
- (3) For reply within third month:
- By a small entity (§ 1.27(a))..... \$525.00
- By other than a small entity..... \$1,050.00
- (4) For reply within fourth month:
- By a small entity (§ 1.27(a))..... \$820.00
- By other than a small entity..... \$1,640.00
- (5) For reply within fifth month:
- By a small entity (§ 1.27(a))..... \$1,115.00
- By other than a small entity..... \$2,230.00

From : Tom Williams [mailto:tom@holtzmaninc.com]
Sent: Tuesday, December 02, 2008 9:03 AM
To: Corrielus, Jean B.
Subject: RE: 10/679,393

-----Original Message-----

From : Corrielus, Jean B. [mailto:JeanB.Corrielus@USPTO.GOV]
Sent: Tuesday, November 25, 2008 7:27 AM
To: Tom Williams
Subject: RE: 10/679,393
Importance: High

This week is busy and short. Will you be available next week Tuesday December 2nd, at 10:00 AM?

From : Tom Williams [mailto:tom@holtzmaninc.com]
Sent: Monday, November 24, 2008 9:42 AM
To: Corrielus, Jean B.
Subject: RE: 10/679,393

Examiner Corrielus:

Thank you for your e-mail. Is there a time I can call you to talk about the changes I plan to make? First thing in the morning works best for me.

Regards,
Tom Williams
303-817-1895

[Tom Williams] -----Original Message-----

From: Corrielus, Jean B. [mailto:JeanB.Corrielus@USPTO.GOV]

Sent: Monday, November 03, 2008 7:11 AM

To: Tom Williams

Subject: RE: 10/679,393

Importance: High

Mr. Williams,

Please drop all uppercases in the body of the claim and replace ":" by ";" ; insert "inverse" before "recovery". claim 5, replace line 10 by "modulating and upconverting the transmit symbol sequence responsive to the converting;"; line 13, deleted "received".

The claims recites that the signal is converted to frequency domain prior to transmission, why the frequency domain signal is converted again in frequency domain in the receiver? in addition claim 5 recites "

"Multiplying the frequency domain symbols by the recovery matrix to produce an output symbol sequence: " However, the specification page 14, lines 3-4 teaches " step 528 the recovery matrix multiplies the received excised/combined symbol sequence to create an output symbol sequence". please correct.

In addition, the claims need to be further amended in such a way as to be compliant with the 101 requirement per the Memorandum dated on 5/15/08 that states that the method claims have to be tied to the disclosed apparatus that performs the method steps. see the following link for access to the memo.

This is the address of the webpage with links to all public USPTO memos, including the Clarification of Processes memo from May:

<http://www.uspto.gov/web/patents/memorandum.htm>

The specific link to the Processes memo is

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/section_101_05_15_2008.pdf

Thanks, Examiner Corrielus

From: Tom Williams [mailto:tom@holtzmaninc.com]

Sent: Monday, October 27, 2008 10:13 AM

To: Corrielus, Jean B.

Subject: RE: 10/679,393

Mr Corrielus,

Attached find a modified set of claims in response to your comments. Please let me know if they are acceptable, and if so what the next step is.

Thanks,
Tom Williams

[Tom Williams]

-----Original Message-----

From: Corrielus, Jean B. [mailto:JeanB.Corrielus@USPTO.GOV]

Sent: Saturday, October 25, 2008 10:46 AM

To: Tom Williams

Subject: RE: 10/679,393

Importance: High

Mr. Williams,

The proposed amendment emailed on 9/29/08 has been considered with the following effect: The proposed amendment does not appear to adopt examiner's suggestion in the email sent on 9/11/08. Please decide whether a method or system claim is desired. claim 1, as proposed, per the preamble, i.e., line 1, is directed to a "system". However, the claim body only includes method steps which are not proper for "system claim". Note that a claim to "a system" must include hardware and claim to a method must include steps. If a method claim is sought, please tie the method with the apparatus for instance a method claim can recite: " A method for ... in a communications system comprising:
providing an input signal from a ...;
converting the input data sequence into a using a...;
multiplying the input symbol sequence by a ... to produce a transmission symbol sequence using a...;
and so forth ..."

if a system claim on the other hand is sought, a proper claim format is, for instance, as follow:

" a Communications system comprising:
a sequence generator for generating a data sequence;
a converter for converting the data sequence into a symbol sequence;
and so forth ..."

Note that any claim amendment must be supported by the original specification, as filed. and the specification must include proper antecedent basis for all claimed limitations. No new matter should be entered.

Note that "in response to" in the art means "based on".

Please submit a new draft for consideration based on the above comment.

Thanks,

Examiner Corrielus

From: Tom Williams [mailto:tom@holtzmaninc.com]

Sent: Monday, September 29, 2008 1:38 AM

To: Corrielus, Jean B.

Subject: RE: 10/679,393

Mr. Corrielus,

Attached please find my comments. Please let me know if they are acceptable, and please feel free to propose changes.

I am somewhat confused by the phrase "in response to". Does it mean the same as "after"?

Regards,

Thomas H. Williams

-----Original Message-----

From: Corrielus, Jean B. [mailto:JeanB.Corrielus@USPTO.GOV]

Sent: Thursday, September 11, 2008 3:13 PM

To: Tom Williams

Subject: RE: 10/679,393

Importance: High

Mr. Williams,

Attached, Please find the propose claimed amendment. Please review and call or email me with any comment.

Thanks, Examiner Corrielus

From: Tom Williams [mailto:tom@holtzmaninc.com]

Sent: Friday, August 22, 2008 10:06 AM

To: Corrielus, Jean B.

Subject: RE: 10/679,393

Mr. Corrielus:

Thank you for your response.

Can I file the change of address/permission to communicate via E-mail on-line? If so, what is the form number?

If not, I will use postal mail. I do not currently have a fax machine out here in Oregon.

Thanks,

Thomas H. Williams

-----Original Message-----

From: Corrielus, Jean B. [mailto:JeanB.Corrielus@USPTO.GOV]

Sent: Friday, August 22, 2008 7:36 AM

To: Tom Williams

Subject: RE: 10/679,393

Importance: High

Mr. Williams,

I just noted that you provided your new address in the email below. However, note that to be effective, the new address has to be filed officially so that communication can be sent directly to you. In addition, for commutation via email, authorization has to be officially filed, as well.

Thanks,
Examiner Corrielus

From: Tom Williams [mailto:tom@holtzmaninc.com]

Sent: Tuesday, June 10, 2008 12:51 AM

To: Corrielus, Jean B.

Subject: 10/679,393

Mr. Corrielus:

I finally got relocated to Beaverton, Oregon and got my files unpacked.
My new address is:

Thomas H. Williams
20498 SW Skiver St.
Beaverton, OR 97007

Attached find my best attempt at writing claims based on Figures 4 and 5. I look forward to your opinion as the the possibility of reviving this application. All help with the claims is appreciated and welcome.

Regards,
Thomas H Williams